

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KIMBERLY BEAGLE,

Plaintiff,

v.

RITE AID CORPORATION,

Defendant.

No. C 08-1517 PJH

**ORDER GRANTING MOTION TO AMEND
AND VACATING HEARING**

Before the court is plaintiff's motion for leave to file a first amended complaint. The court having read and considered the briefs filed by both parties, finds that a hearing is unnecessary, and hereby VACATES the October 29, 2008 date for the hearing. Although the amendments are not entirely necessary, plaintiff's asserted reasons for advancing them – to clean up the pleading and delete the claim previously dismissed by the court – are sufficient to justify the amendments given the liberality of Fed. R. Civ. P. 15. Yes, defendant may be prompted to file another answer, but the court fails to see how filing another answer, given the limited revisions, is more or even as onerous as opposing the motion. This is the type of motion that the court finds unnecessary and the type that the court suggests the parties try to avoid in the future.

Plaintiff's motion for leave to file the proposed amended complaint is GRANTED.

IT IS SO ORDERED.

Dated: October 22, 2008



PHYLLIS J. HAMILTON
United States District Judge

United States District Court
For the Northern District of California

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